

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Judge Berman

ADVANCED MARKETING RESEARCH, INC.
D/B/A/ EVERYDAY FURNISHINGS,
a New York corporation

07 CV 11212

CIV No. 07-

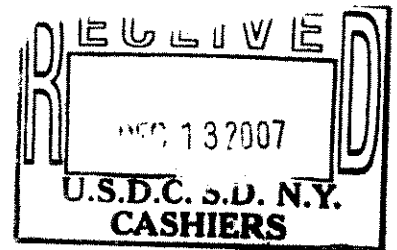
Plaintiff,

NOTICE OF REMOVAL

- against -

PILOT AIR FREIGHT CORP.,
a Pennsylvania corporation

Defendant.



PLEASE TAKE NOTICE that, pursuant to 28 U.S.C. §§ 1332, 1441, and 1446,
Defendant Pilot Air Freight Corp. ("Pilot") removes this action to the United States District
Court for the Southern District of New York. The following grounds exist for removal:

1. On or about November 12, 2007, Plaintiff Advanced Marketing Research, Inc. d/b/a Every Day Furnishings filed a Complaint in *Advanced Marketing Research, Inc. d/b/a Every Day Furnishings v. Pilot Air Freight, Corp.*, Index No. 603767/07 (the "State Court Action") in the Supreme Court of the State of New York, County of New York.
2. On November 21, 2007, Plaintiff's counsel served a copy of the Summons and Complaint in the State Court Action on the Secretary of State for the State of New York.
3. On November 21, 2007, the Secretary of State mailed a copy of the Summons and Complaint to Pilot Air Freight. Corp. at its corporate headquarters in Lima, Pennsylvania.

4. On November 27, 2007, Pilot received the summons and complaint in the State Court Action (collectively the "Complaint"). Pursuant to 28 U.S.C. § 1446(a), a copy of the Summons and Complaint received by Pilot is attached as Exhibit "A." The attached documents constitute all the process, pleadings, and orders served on Pilot in this action.

5. Pilot is filing this Notice of Removal within thirty days after receiving notice of the State Court Action. Pilot's removal is therefore timely pursuant to 28 U.S.C. § 1446(b).

6. Diversity jurisdiction exists in this Court over this action pursuant to 28 U.S.C. § 1332 as the parties are citizens of different states.

7. Plaintiff Advanced Marketing Research, Inc. d/b/a Every Day Furnishings, through its attorney, alleges in the Complaint that it is a corporation, with an address of 545 8th Avenue, Suite 401, NY, NY 10018. (See Complaint ¶ 1). Therefore, Advanced Marketing Research, Inc. d/b/a Every Day Furnishings is a citizen of the State of New York for purposes of removal.

8. Plaintiff alleges that Pilot is a corporation with its principal place of business in New York. (See Complaint ¶ 2). Contrary to plaintiff's allegation, Pilot is a Pennsylvania corporation with principal place of business in Lima, Pennsylvania and the parties are therefore diverse.

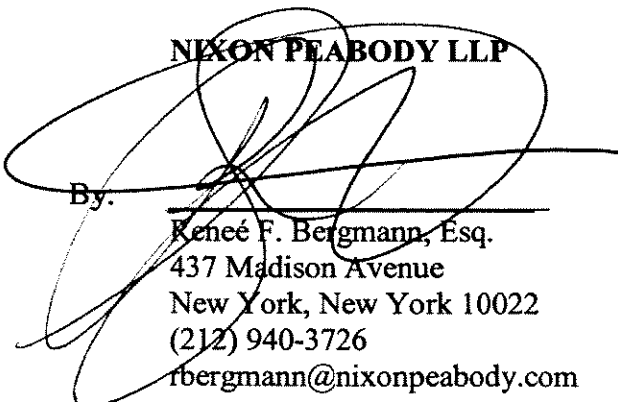
9. The amount in controversy in this action exceeds \$75,000, exclusive of interest and costs. Plaintiff is seeking a judgment against the defendant in the amount of \$500,000 plus interest and costs. (See Summons and Complaint).

10. Venue is proper in this Court pursuant to 28 U.S.C. § 1441(a) because the State Court Action is pending in the Supreme Court of the State of New York, County of New York.

11. Written notice of the filing of this Notice of Removal will promptly be given to Plaintiff and, together with a copy of this Notice of Removal, will be filed with the Clerk for the Supreme Court, New York County, as provided by 28 U.S.C. § 1446(d).

WHEREFORE, Defendant Pilot Air Freight Corp. respectfully removes the State Court Action currently pending in the Supreme Court of the State of New York, County of New York, to this Court and respectfully requests that this matter proceed in this Court as an action properly removed thereto.

Dated: December 12, 2007

NIXON PEABODY LLP

By. _____
Renee F. Bergmann, Esq.
437 Madison Avenue
New York, New York 10022
(212) 940-3726
rbergmann@nixonpeabody.com

Of Counsel

Arthur L. Pressman, Esq.
100 Summer Street
Boston, MA 02110-2131
(617) 345 - 1158
apressman@nixonpeabody.com

Attorneys for Defendant, Pilot Air Freight Corp.

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

ADVANCED MARKETING RESEARCH, INC.)
D/B/A EVERYDAY FURNISHINGS,)
)
Plaintiff,)
v.)
PILOT AIR FREIGHT CORP.,)
)
Defendant.)

Civil Action No.: 07-

AFFIDAVIT OF SERVICE

State of New York)
) ss.:
County of New York)

STEPHANIE SCHINELLA, being duly sworn, deposes and says:

1. I am not a party to this action and I am over 18 years of age.
2. I am employed by the law firm of Nixon Peabody LLP, 437 Madison Avenue, New York, New York 10022, attorneys for Defendant Pilot Air Freight Corp.
3. On December 12, 2007 I served true copies of the annexed **NOTICE OF REMOVAL**, by depositing said copies in a postage-paid, sealed envelope in a depository under the exclusive care and custody of the United States Postal Service within the City and State of New York addressed to:

David J. Gold, P.C.
116 John Street
Suite 3110
New York, NY 10038-3411
Attorneys for Plaintiff

Stephanie Schinella
STEPHANIE SCHINELLA

Sworn to before me this
12th day of December, 2007

Janet Lassiter
Notary Public
JANET LASSITER
Notary Public, State of New York
No. 24-01LA4884116
Qualified in Kings County
Commission Expires 5/11/2010

Exhibit A

State of New York - Department of State
Division of Corporations

Party Served:
PILOT AIR FREIGHT CORP.

Plaintiff/Petitioner:
ADVANCED MARKETING RESEARCH,
INC.



PILOT AIR FREIGHT CORP.
3860 BROADWAY
BUFFALO, NY 14227

Dear Sir/Madam:

Enclosed herewith is a legal document which was served upon the Secretary of State on 11/21/2007 pursuant to SECTION 306 OF THE BUSINESS CORPORATION LAW.

This copy is being transmitted pursuant to such statute to the address provided for such purpose.

Very truly yours,
Division of Corporations

THIS COMMUNICATION IS AN ATTEMPT TO COLLECT A DEBT AND
ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

-----X

ADVANCED MARKETING RESEARCH, INC.
D/B/A EVERYDAY FURNISHINGS,

Plaintiff,

-against-

PILOT AIR FREIGHT CORP.,
145-58 167th Street
Jamaica, New York 11434;

Defendant.

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To the above named Defendant(s):

You are hereby Summoned to answer the complaint in this action and to serve a copy of your answer, or if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's Attorney within twenty (20) days after the service of this summons, exclusive of the day of service (or within thirty (30) days after service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded herein.

Dated: New York, New York
Monday, November 12, 2007.

DJGPC FILE
NO.: 24451

Index No.

Date of Purchase:

Plaintiff designates
NEW YORK COUNTY as
the place of trial

SUMMONS

Plaintiff resides at:
545 Eighth Avenue
Suite 401
New York, New York 10018

The basis of venue is:
Plaintiff's Residence

DAVID J. GOLD, P.C.
Attorney for Plaintiff
Office & P.O. Address
116 John Street, Suite 3110
New York, New York 10038-3411
Tel.: (212) 962-2910

Fax: (212) 962-2919
EMail: djgpcesql@aol.com

Notice: The nature of this action is as set forth in the annexed complaint.

The relief sought is as set forth in the annexed complaint.

Upon your failure to appear, judgment will be taken against you by default for the sum of \$ 500,000.00, plus interest thereon from the 09th day of August, 2007, plus the costs and disbursements of this action.

THIS COMMUNICATION IS AN ATTEMPT TO COLLECT A DEBT AND ANY
INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK
-----X

DJGPC FILE
NO.: 24451

ADVANCED MARKETING RESEARCH, INC.
D/B/A EVERYDAY FURNISHINGS,

Index No.

Plaintiff,

-against-

PILOT AIR FREIGHT CORP.,

VERIFIED
COMPLAINT

Defendant.

-----X

Plaintiff, ADVANCED MARKETING RESEARCH, INC. D/B/A
EVERYDAY FURNISHINGS, by DAVID J. GOLD, P.C., its attorney,
complaining of the defendant, respectfully alleges, upon
information and belief:

FIRST: That, upon information and belief, at
all times heretofore mentioned, the plaintiff, ADVANCED
MARKETING RESEARCH, INC. D/B/A EVERYDAY FURNISHINGS, was and
still is a corporation.

SECOND: That, upon information and belief, at
all times heretofore mentioned, the defendant, PILOT AIR
FREIGHT CORP., was and still is a domestic corporation duly
organized and existing under and by virtue of the laws of
the State of New York.

THIRD: That the cause(s) of action herein arose within the jurisdictional territory of this Court, or the defendant is a resident of/conducting business within the jurisdictional territory of this Court, or the causes of action herein took place within the jurisdictional County of this Court.

AS AND FOR A FIRST CAUSE OF ACTION:

FOURTH: That, upon information and belief, heretofore and on or about the 09th day of August, 2007, the plaintiff and the defendant duly entered into an agreement whereby defendant agreed to provide shipping labor and services on behalf of plaintiff's business for its customers.

FIFTH: That, heretofore and on or about the 09th day of August, 2007, the defendant has breached the aforesaid agreement and has failed and refused to provide shipping services between plaintiff and its various customers.

SIXTH: That, heretofore and prior to the time complained of herein, plaintiff duly notified defendant of its breach of contract, but defendant has failed and refused to rectify its breach.

SEVENTH: That the plaintiff has duly performed all of the terms, covenants and conditions of the aforesaid agreement on its part to be performed.

EIGHTH: That by reason of the foregoing, the plaintiff has been damaged in the sum of \$ 500,000.00, plus interest thereon from the 09th day of August, 2007.

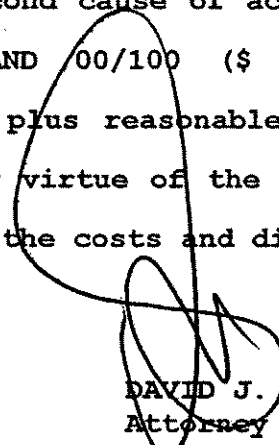
AS AND FOR A SECOND CAUSE OF ACTION:

NINTH: That, upon information and belief, heretofore and on or about the 01st day of September, 2007, and periodically and regularly thereafter, the plaintiff duly rendered to the defendant a statement of account showing a balance due and owing in the sum of \$ 500,000.00.

TENTH: That each of the aforesaid statements of account showing the balance due and owing was received and accepted by the defendant, without objection, complaint or challenge of any kind or nature whatsoever.

ELEVENTH: That by reason of the foregoing statements of account, the plaintiff is entitled to a judgment against the defendant in the sum of \$ 500,000.00, plus interest thereon from the 09th day of August, 2007.

WHEREFORE, the plaintiff demands judgment against the defendant, on the first cause of action in the sum of FIVE-HUNDRED-THOUSAND AND 00/100 (\$ 500,000.00) DOLLARS, plus interest thereon; and on the second cause of action in the sum of FIVE-HUNDRED-THOUSAND AND 00/100 (\$ 500,000.00) DOLLARS, plus interest thereon; plus reasonable attorney's fees as permissible under and by virtue of the laws of the State of New York, together with the costs and disbursements of this action.



DAVID J. GOLD, P.C.
Attorney for Plaintiff
Office & P.O. Address
116 John Street, Suite 3110
New York, New York 10038-3411
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Fax: (212) 962-2919
EMail: djgpcsql@aol.com

ATTORNEY'S AFFIRMATION

STATE OF NEW YORK)

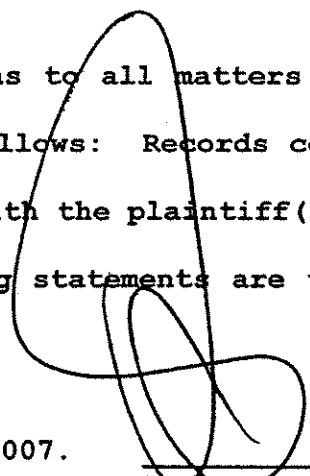
COUNTY OF NEW YORK) ss.:

I, the undersigned, an attorney admitted to practice in the courts of the State of New York, state that I am the attorney of record for the plaintiff(s) in the within action; I have read the foregoing COMPLAINT and know the contents thereof; the same is true to my own knowledge, except as to the matters therein alleged to be on information and belief, and as to those matters I believe it to be true. The reason this verification is made by me and not by the plaintiff(s) is because the plaintiff(s) is not located in the county wherein your affiant maintains his office.

The grounds of my belief as to all matters not stated upon my own knowledge are as follows: Records contained in my file and conversations had with the plaintiff(s).

I affirm that the foregoing statements are true, under the penalties of perjury.

Dated: New York, New York
Monday, November 12, 2007.



DAVID J. GOLD, ESQ.

DAVID J. GOLD, P.C.

I.A.S. JUSTICE:

R.J.I. NO.:

INDEX NO.:

CALENDAR NO.:

DJGPC FILE NO.: 24451

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

ADVANCED MARKETING RESEARCH, INC. D/B/A EVERYDAY FURNISHINGS,

PLAINTIFF,

-AGAINST-

PILOT AIR FREIGHT CORP.,

DEFENDANT.

SUMMONS AND VERIFIED COMPLAINT

157 Pursuant TO 22 NYCRR 130-1.1, the undersigned, an attorney admitted to practice in the courts of New York State certifies that, upon information and belief and reasonable inquiry, the contentions contained in the annexed document are not frivolous.

157

DAVID J. GOLD, P.C.
ATTORNEY FOR PLAINTIFF
OFFICE & P.O. ADDRESS, TELEPHONE
116 JOHN STREET, SUITE 3110
NEW YORK, NEW YORK 10038-3411
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